

**A CONFIRMING RESOLUTION designating an
"Economic Revitalization Area" under I.C. 6-1.1-
12.1 for property commonly known as 9403
Avionics Drive, Fort Wayne, Indiana 46809 (Vita
Nonwovens)**

WHEREAS, Common Council has previously designated and declared by Declaratory Resolution the following described property as an "Economic Revitalization Area" under Sections 153.13-153.24 of the Municipal Code of the City of Fort Wayne, Indiana, and I.C. 6-1.1-12.1, to wit:

Attached hereto as "Exhibit A" as if a part herein; and

WHEREAS, said project will create nine full-time and eight part-time, permanent jobs for a total new, annual payroll of \$593,740, with the average new annual job salary being \$34,926 and retain thirty full-time and eighteen part-time, permanent jobs for a total current annual payroll of \$1,467,520, with the average current, annual job salary being \$30,573; and

WHEREAS, the total estimated project cost is \$960,000; and

WHEREAS, a recommendation has been received from the Committee on Finance on said Resolution; and

WHEREAS, notice of the adoption and substance of said Resolution has been published in accordance with I.C. 6-1.1-12.1-2.5 and I.C. 5-3-1 and a public hearing has been conducted on said Resolution.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That, the Council hereby adopts a waiver of non-compliance with I.C. 6-1.1-12.1 regarding the failure to designate an area as an Economic Revitalization Area before the initiation of development for which for which Vita Nonwovens desires to claim an Economic Revitalization Area deduction. Such waiver shall be in effect for real property improvements during the period of April 1, 2013 through the date of this resolution and is granted through the authority of I.C. 6-1.1-31-1 and 50 I.A.C 10-4-1 (a)(2) and (3).

SECTION 2. That, the Resolution previously designating the above described property as an "Economic Revitalization Area" is confirmed in all respects.

SECTION 3. That, the hereinabove described property is hereby declared an "Economic Revitalization Area" pursuant to I.C. 6-1.1-12.1, said designation to begin on the effective date of this Resolution and shall terminate on December 31, 2016, unless otherwise automatically extended in five year increments per I.C. 6-1.1-12.1-9.

1 **SECTION 4.** That, said designation of the hereinabove described property as an
2 "Economic Revitalization Area" shall apply to a deduction of the assessed value of the real
3 estate

4 **SECTION 5.** That, the estimate of the number of individuals that will be employed
5 or whose employment will be retained and the estimate of the annual salaries of those
6 individuals and the estimate of the value of redevelopment or rehabilitation, all contained in
7 Petitioner's Statement of Benefits are reasonable and are benefits that can be reasonably
8 expected to result from the proposed described redevelopment or rehabilitation.

9 **SECTION 6.** The current year approximate tax rates for taxing units within the
10 City would be:

11 ... If the proposed development does not occur, the approximate current year tax
12 rates for this site would be \$3.1850/\$100.

13 ... If the proposed development does occur and no deduction is granted, the
14 approximate current year tax rate for the site would be \$3.1850/\$100 (the
15 change would be negligible).

16 ... If the proposed development occurs, and a deduction percentage of fifty percent
17 (50%) is assumed, the approximate current year tax rate for the site would be
18 \$3.1850/\$100 (the change would be negligible).

19 **SECTION 7.** That, pursuant to I.C. 6-1.1-12.1, it is hereby determined that the
20 deduction from the assessed value of the real property shall be for a period of seven years.

21 **SECTION 8.** The benefits described in the Petitioner's Statement of Benefits can be
22 reasonably expected to result from the project and are sufficient to justify the applicable
23 deductions.

24 **SECTION 9.** For real property, a deduction application must contain a
25 performance report showing the extent to which there has been compliance with the
26 Statement of Benefits form approved by the Fort Wayne Common Council at the time of
27 filing. This report must be submitted to the Allen County Auditor's Office and the City of Fort
28 Wayne's Community Development Division and must be included in the deduction
29 application. For subsequent years, the performance report must be updated each year in
30 which the deduction is applicable at the same time the property owner is required to file a
personal property tax return in the taxing district in which the property for which the deduction
was granted is located. If the taxpayer does not file a personal property tax return in the
taxing district in which the property is located, the information must be provided by May 15.

SECTION 10. The performance report must contain the following information

(a) The cost and description of real property improvements

(b) The number of employees hired through the end of the preceding calendar year
as a result of the deduction.

- 1 (c) The total salaries of the employees hired through the end of the preceding
2 calendar year as a result of the deduction.
3 (d) The total number of employees employed at the facility receiving the deduction.
4 (e) The total assessed value of the real property deductions.
5 (f) The tax savings resulting from the real property being abated.

6 **SECTION 11.** That, the taxpayer is non-delinquent on any and all property tax due
7 to jurisdictions within Allen County, Indiana.

8 **SECTION 12.** That, pursuant to I.C. 6-1.1-12.1-12 et al, any property owner that
9 has received a deduction under section 3 or 4.5 of said chapter may be required to repay the
10 deduction amount as determined by the county auditor in accordance with section 12 of said
11 chapter if the property owner ceases operations at the facility for which the deduction was
12 granted and if the Common Council finds that the property owner obtained the deduction by
13 intentionally providing false information concerning the property owner's plans to continue
14 operation at the facility.

15 **SECTION 13.** That, this Resolution shall be in full force and effect from and after its
16 passage and any and all necessary approval by the Mayor.

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Member of Council

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney



EXHIBIT A

AIRPORT BUSINESS CENTER SEC I BLOCK 4